

SECTION 00 21 13

INSTRUCTIONS TO BIDDERS

1.1 PREPARATION AND SUBMISSION OF GENERAL BIDS

- A. Bidding procedures shall be in accordance with the provisions of Massachusetts General Laws, Chapter 149, Section 44A through Section 44I, inclusive and Chapter 30, Section 39M as amended. Said statutes are hereby made a part of these instructions to bidders to the same extent as though herein reproduced in full. In the event of any inconsistency between any of the provisions of these Contract Documents and of cited statute, anything herein to the contrary notwithstanding, the provisions of said statute shall govern.
- B. This project is being Electronically Bid (E-Bid). All bids shall be submitted online at www.Projectdog.com. Hard copy bids will not be accepted by the Awarding Authority. [Tutorials and instructions are available online at www.Projectdog.com](http://www.Projectdog.com). For assistance, contact Projectdog Inc. at 978.499.9014.
- C. Bid Forms will be posted online at www.Projectdog.com with the Contract Documents. The Bid Forms included in the Project Manual should not be extracted or used for electronic bidding. All required Bid Forms must be completed and submitted in PDF formatted files. The Bidder must fill-in all required fields and signatures either digitally or manually (print, fill-in, and scan to PDF).
- D. The Bidder shall access the Projectdog.com E-Bidding System by entering Project Code **840929** in the project locator box and then selecting “GC E-Bid” or “Sub E-Bid” from the project’s “Project Details” page. The Bidder must enter their bid price as a numeric, whole dollar value only with no punctuation. The E-Bidding system automatically translates the numeric value into words and displays the bid price in both figures and words on the submitted bid form.
- E. Bidders may save, submit, or modify an E-Bid at any time prior to bid close. Once submitted, a bid cannot be modified. To modify a bid, the Bidder must retract the bid, make any necessary changes, and then re-submit the bid. Upon submitting or retracting a bid, the Bidder will receive a convenience e-mail for informational purposes only. Bidders are encouraged to contact Projectdog Inc. at 978.499.9014 if an e-mail is not received.
- F. Timely submission of an E-Bid shall be the full responsibility of the Bidder. The server clock is displayed on the project’s E-Bidding page and is the time of record. It is the Bidder’s responsibility to review and confirm online that their bid has been submitted and/or retracted and that the bid is 100% true, complete, and accurate. All Bidders are required to review their submitted E-Bid by selecting “View My Bid Package” from the project’s E-Bidding page.

1.2 ADDENDA AND INTERPRETATIONS

- A. No interpretation of the meaning of the Contract Documents will be made to any bidder orally. Every request for such interpretations shall be in writing and addressed to Kaestle Boos Associates, Inc., 313 Congress Street, Boston MA 02210 and to be given consideration, must be received in the Designer's office, or by emailing the Designer at CentralARPRoof@kba-architects.com not later than 12:00 noon December 1, 2020 for filed sub-bidders, and by noon 12:00 PM December 11, 2020 for General Bidders. Any and all such interpretations and any supplemental instructions pertaining to Bidders, will be in the form of written Addenda to the Contract Documents which, if issued, will be sent by e-mail to all persons on record as having received a complete set of Contract Documents (at the respective addresses furnished for such purposes). Such addenda will be e-mailed no later than 2:00 PM December 3, 2020 for filed sub-bidder questions, and no later than 2:00 PM December 15, 2020 for General Bidder questions. Filed sub-bid tabulations shall be distributed to General Bidders by Addendum. Arrangements can be made to mail hard copies of Addenda. Please notify the engineer if hard copies of Addenda are requested.
- B. Failure of any bidder to receive any such Addenda shall not relieve such bidder from any obligation under his bid as submitted. All addenda so issued shall become part of the Contract Documents. At the same time of the opening of the bids, each bidder will be presumed to have inspected the site and to have read and to be thoroughly familiar with the Contract Documents (including all Addenda). The failure or omission of any bidder to examine any form, instrument, or document shall in no way relieve any bidder from any obligation in respect to his bid.
- C. It shall be the responsibility of the bidder to confirm, with East Bridgewater Purchasing Department, all addenda issued.

1.3 ALTERNATES

- A. All bidders are required to bid on the numbered Alternates set forth on the bid forms and as described in section entitled alternates. The term "NO BID" shall not be used in filling out the bid forms. In the event the bidder does not wish to make a change from the base proposal, he shall so indicate by using the words "NO CHANGE" or by inserting the figure "0" in each space under columns headed by the words "ADD" and "SUBTRACT". The amounts indicated for the Alternates shall include overhead and profit and cover the furnishing and installing all the materials, including labor, equipment, transportation and incidentals necessary for the performance of all work set forth in the Contract Documents.

1.4 FORM AND AMOUNT OF BID DEPOSITS

- A. Every general bid shall be accompanied by a bid bond, or cash, or certified check, or a treasurer's or cashier's check issued by a responsible bank or trust company, payable to the Town of East Bridgewater, East Bridgewater Massachusetts, in the amount of five (5%) of the bid amount. Bid Bonds shall be T-Listed; Surety company (ies) shall be listed in the U.S. Treasury Department Circular 570, most recent edition, as amended.

- B. The return of such bid deposits will be in accordance with G.L. Chapter 149, Section 44B. Special attention is called to the provisions of G.L. Chapter 149, Sections 44E and 44F that every general bid which is not accompanied by the prescribed bid deposit shall be rejected.

1.5 REQUIREMENTS FOR FOREIGN CORPORATIONS

- A. The attention of all bidders is called to the provisions of General Laws, Chapter 30, Section 39L, added by Chapter 446 of the Acts of 1963 which provided that the Awarding Authority may not enter into a Contract for construction work a foreign corporation which has not complied with the requirements of Section 3 and 5 of Chapter 181 of the General Laws. The term “foreign corporation” means a corporation not incorporated under the laws of the Commonwealth of Massachusetts.

1.6 BID MODIFICATIONS

- A. No modification of any bid will be considered by the Awarding Authority, unless same is in writing, sealed, and received by the Awarding Authority prior to the times respectively established herein for the receipt of General Bids.

1.7 WITHDRAWAL OF BIDS

- A. A bid may be withdrawn by written or telegraphic request subsequently confirmed in writing, provided that such request is received prior to times respectively established herein for the receipt of General Bids. The Awarding Authority will not be responsible, however, for the timely receipt of any request for withdrawal in ample time for delivery before the bid opening hour.

1.8 BIDDERS’ QUALIFICATIONS

- A. Each General Bidder shall be certified by the Massachusetts Division of Capital Asset Management and Maintenance (DCAMM) for the category of work and dollar amount of this project in accordance with the provisions of Massachusetts General Laws Chapter 579 before consideration for such bid will be given.
 - 1. DCAMM Classification Rating Required for General Bidders on this Contract:
Roofing
- B. In compliance with MGL Chapter 149, Section 44D, as amended, all General Bids shall be accompanied by a copy of a DCAMM Contractor’s Certificate of Eligibility and Update Statement.
 - 1. Forms Required: General Bids submitted without a DCAMM Contractor’s shall be invalid and void.
 - 2. Certificate of Eligibility and Update Statement.
 - 3. Public Records: Contractor’s Update Statement is not a public record as defined in MGL Chapter 4, Section 7, and will not be open to public inspection.
- C. Foreign Corporations: Attention of all Bidders is directed to provisions of GL Chapter 30, Section 39L, as amended by Chapter 446 of the Acts of 1963 which provides that the Awarding Authority may not enter into a contract for construction work and may not

approve as a subcontractor furnishing labor and materials for a part of any such work a foreign corporation which has not complied with the requirements of Section 3 and 5 of Chapter 181 of the General Laws. The term “foreign corporation” means a corporation not incorporated under the laws of the Commonwealth of Massachusetts.

1.9 EQUAL EMPLOYMENT OPPORTUNITY REQUIREMENTS

- A. General bidders shall comply with all provisions of the SDO Municipalities General Guidelines dated 1/20/2012 governing MBE / WBE goals for state funded projects (Guidelines).
- B. MBE and WBE: General bidders are advised that before contract award, the lowest general bidder shall be required to provide the Owner with documentation stating how it intends to meet the minority and women business enterprise goals for the project. Those goals are;
- MBE Goal – **4.2%** and WBA Goal - **8.8%** for Construction Contracts
1. General bidders are strongly encouraged to include with their bid submissions documentation such as Letters of Intent executed by certified MBEs and WBEs, indicating the names, dollar values and category of work that the general bidder intends to subcontract to certified MBEs and WBEs.
- C. The Owner reserves the right to reduce or waive the MBE or WBE participation goals established for this Contract. Bidders shall undertake all commercially reasonable steps to attain the M/WBE participation goals established by the Owner for this Contract. The Bidder shall provide, upon request of the Owner, evidence of the actions undertaken by the Bidder that may include but may not be limited to:
1. A list of all items of work under the Contract that the Bidder made available for subcontracting to M/WBEs. The Bidder shall identify all items of work that the Bidder did not make so available and shall state the reasons for not making such work available for subcontracting to M/WBEs. The Bidder shall also demonstrate that, where commercially reasonable, subcontracts were divided into units capable of being performed by M/WBEs.
 2. Evidence that the Bidder sent written notices soliciting Bids or proposals to perform the items of work made available by the Bidder for subcontracting to M/WBEs to all M/WBEs qualified to perform such work. The Bidder shall identify (i) each M/WBE solicited, and (ii) each M/WBE listed in the SDO directory under the applicable trade category that was not solicited and reasons therefore. The Bidder shall also state the dates that notices were mailed and provide a copy of the written notice(s) sent.
 3. Evidence that the Bidder made reasonable efforts to follow up the written notices sent to M/WBEs with telephone calls or personal visits in order to determine with certainty whether the M/WBEs were interested in performing the work. Phone logs or other documentation must be submitted.
 4. A statement of the response received from each M/WBE solicited, including the reason for rejecting any M/WBE who submitted a bid or proposal.
 5. Evidence of efforts made to assist M/WBEs that needed assistance in obtaining bonding or insurance, or lines of credit with suppliers if the inability of M/WBEs

to obtain bonding, insurance, or lines of credit is the reason given for the Bidder's inability to meet the M/WBE goals.

6. The Bidder may also submit any other information supporting its efforts to attain the M/WBE participation goals, including without limitation evidence that the Bidder placed advertisements in appropriate media and trade association publications announcing the Bidder's interest in obtaining bids or proposals from M/WBEs, and/or sent written notification to M/WBE economic development assistance agencies, trade groups and other organizations notifying them of the Contract and the work to be subcontracted by the Bidder to M/WBEs.
- D. Within a reasonable time after the opening of general Bids, the apparent low Bidder shall submit the following documents to the Owner: (i) a completed Schedule for Participation by Minority/Women Business Enterprises in a form acceptable to the Owner showing M/WBE participation in amounts equal to or exceeding the M/WBE participation goals for this Contract, (ii) a completed Letter of Intent in a form acceptable to the Owner for each M/WBE listed in the Schedule for Participation, and (iii) a current SOMWBA certification letter for each M/WBE listed in the Schedule of M/WBE Participation showing that the M/WBE is certified in the area of work for which it is listed on the Letter of Intent.
 - E. Each Letter of Intent shall identify and describe the work to be performed by the named M/WBE (the "M/WBE Work") with enough specificity to permit the Owner to identify the particular items of contract work that the M/WBE will perform for M/WBE participation credit. The Owner reserves the right to reject any Letter of Intent if the price to be paid for the M/WBE Work does not bear a reasonable relationship to the value of such work under the Contract as determined by the Owner.
 - F. Within five (5) working days after receipt of the Schedule For M/WBE Participation, Letters of Intent, and SDO certification letters, the Owner shall review and either approve or disapprove the apparent low Bidder's submissions.

1.10 RIGHT TO REJECT BIDS RECEIVED

- A. The Awarding Authority reserves the right to reject any or all general bids if it be in the public interest so to do. All bids will remain subject to acceptance for thirty business days after the day of the Bid opening, but the Owner may, in its sole discretion, release any Bid and return Bid security before that date.

1.11 INSPECTION OF EXISTING BUILDING

- A. All bidders may inspect the existing building and to familiarize themselves with conditions as they exist, prior to submitting their bids. The buildings shall be made available for inspection following the pre-bid conference to be held at the Central Elementary School, 107 Central Street, East Bridgewater, MA on November 30, 2020 at 10:00 A.M.

1.12 METHOD OF AWARD

- A. The Contract will be awarded to the lowest responsible and eligible general bidder on the basis of the proposed Contract Price, Special attention is called to the provisions of G.L. Chapter 149, Sec. 44A defining the term “lowest responsible and eligible bidder”.

1.13 EXECUTION OF GENERAL CONTRACT AND SECURITY FOR FAITHFUL PERFORMANCE

- A. Special attention is directed to the requirements of the G.L. Chapter 149, Section 44E and the FORM FOR GENERAL BID that the general bidder who is selected as General Contractor promptly confer with the Awarding Authority within five (5) days, Saturdays, Sundays, and legal holidays excluded, after presentation thereof, in accordance with the general bid; and furnish with the executed Contract, a Performance Bond, and also a Labor and Material Payment Bond, each of which shall be in the sum of 100 percent (100%) of the Contract Price, the premiums for which are to be paid by the General Contractor and are included in the Contract Price. Performance and labor and materials payment bonds shall be T-listed; Surety company(ies) shall be listed in the U.S. Treasury Department Circular 570, most recent edition, as amended. If the General Contractor is a partnership, the bond shall be signed in the correct corporate name by duly authorized officer, agent, or attorney-in-fact. The executed bond shall be accompanied by (a) appropriate acknowledgment of the respective parties; (b) appropriate certified copy of power-of-attorney or other certifications of authority where bond is executed by an agent, officer or representative of the General Contractor or Surety; (c) a duly certified extract from the by-laws or resolutions of the Surety under which power-of-attorney or other certificate of authority of its agent, officer, or representative was issued; and (d) a duly certified copy of the latest published financial statement of assets and liabilities of the Surety. Certificates of insurance, required under the Contract Documents, shall be submitted with bonds.
- B. Any reference in the bid or contract documents for mediation or arbitration is hereby deleted. Disputes will be handled as a matter of law.

1.14 SALES TAX EXEMPTION

- A. All materials and items which will be incorporated into the project, and which will become the property of the Owner upon completion of said project, will be exempt from the Massachusetts Sales Tax. The General Contractor shall obtain from the Owner the Sales Tax exemption number, applicable for the project, and shall include said number when ordering materials for the project.

1.15 POST-BID CONFERENCE

- A. A post-bid conference will be held prior to the execution of the General Contract, with the successful General Bidder to discuss phasing and other operations of the Contract. The date of such conference will be established by the Awarding Authority.

1.16 BUILDING PERMIT

- A. The successful bidder shall be responsible for obtaining any permits required. **Building permit costs are waived.**

1.17 COMMENCEMENT AND COMPLETION

- A. The Contractor shall commence work no later than five (5) calendar days after execution of the General Contract, or receipt of Notice to Proceed from the Owner, whichever is earlier. Contractor shall bring each phase of the work required under the contract to final completion, as defined in the general conditions, no later than that which is specified in Division 01, Section 01 31 00, of these specifications.

1.18 PRE-BID CONFERENCE

- A. Pre-Bid Conferences will be held at the Central Elementary School, 107 Central Street, East Bridgewater, MA on November 30, 2020 at 10:00 A.M. At this time, a tour will be conducted for bidders wishing to attend.

END OF SECTION